

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicant amends claims 1-2 and 4-7, and adds claims 8-13. Accordingly, claims 1-13 are pending in the application.

Applicant thanks the Examiner for acknowledging the claim for priority, and receipt of certified copies of all the priority documents.

Applicant also thanks the Examiner for indicating that the drawings are acceptable.

Claims 1-2 and 4-7 are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. § 112

The Office Action rejects claims 1-7 under 35 U.S.C. § 112 as supposedly lacking an enabling disclosure.

Applicant respectfully traverses those rejections for at least the following reasons.

M.P.E.P. § 2164.08(c) provides that:

*A feature which is **taught as critical in a specification** and is not recited in the claims should result in a rejection of such claim under the enablement provision section of 35 U.S.C. 112. See In re Mayhew, 527 F.2d 1229, 1233, 188 USPQ 356, 358 (CCPA 1976). In determining whether an unclaimed feature is critical, the entire disclosure must be considered. Features which are merely preferred are not to be considered critical. In re Goffe, 542 F.2d 564, 567, 191 USPQ 429, 431 (CCPA 1976). **Limiting an applicant to the preferred materials in the absence of limiting prior art would not serve the constitutional purpose of promoting the progress in the useful***

*arts. Therefore, an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. **Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality.***

(emphasis added).

Here: (1) the Office Action cites nothing in the specification that teaches that the acceleration electrode is "critical;" (2) there is no limiting prior art that requires limiting Applicant to the particular structures disclosed; and (3) the Abstract and specification (see, particularly, page 4, lines 5-21) broadly describes secondary electrons being generated by the impact of plasma ions being used to excite a luminescent substance.

Among other things, claim 1 recites that when an electrical voltage is applied across the anode and the cathode, a plasma comprising ions and electrons is generated by a gas discharge in the gas-filled space, the plasma ions impact on the cathode, and secondary electrons are created by the impact. In the particular embodiment of FIG. 2, for example, an acceleration electrode 8 is disclosed for forming an acceleration region (e.g., about 1 mm) for accelerating the secondary electrons. However, it is well established that the invention is not limited to specific disclosed embodiments.

Therefore, Applicant respectfully submits that the rejection of claims 1-7 is not proper under M.P.E.P. § 2164.08(c).

Accordingly, Applicant respectfully submits that all of the claims 1-7 are patentable under 35 U.S.C. § 112, and respectfully request that the rejections be withdrawn.

35 U.S.C. § 102 & 103

The Office Action rejects claims 1-2, 4 and 5 under 35 U.S.C. § 102 over Nakamura et al. U.S. Patent 5,973,449 ("Nakamura"); claims 3 and 6 under 35 U.S.C. § 102 over Nakamura; and claims 6 and 7 under 35 U.S.C. § 102 over Nakamura in view of Seats et al. U.S. Patent 5,663,611 ("Seats").

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 1

Among other things, in the display of claim 1, when an electrical voltage is applied across the anode and the cathode, a plasma comprising ions and electrons is generated by a gas discharge in the gas-filled space, the plasma ions impact on the cathode, secondary electrons are created by the impact, and secondary electrons are used to excite a luminescent substance.

Applicant respectfully submits that Nakamura does not disclose any device including such a combination of features.

The Office Action cites the embodiment disclosed in FIG. 30 of Nakamura, as described in the accompanying text at col. 19, line 48 – col. 21, line 30, as supposedly disclosing this combination of features.

Applicant respectfully disagrees.

Nakamura clearly teaches with respect to FIG. 30 that:

The plasma excites the rare gas, which generates ultraviolet rays. The ultraviolet rays are applied to the fluorescent layers provided on the barriers 101 and the auxiliary barrier 106. The fluorescent layers emit light falling within a predetermined wavelength range. The light passes through the upper substrate 92, whereby each pixel emits a light beam to perform a display.

Thus, Nakamura clearly teaches that the luminescent material 107 is excited to produce light by ultraviolet radiation from the rare gas, not by any secondary electrons.

Therefore, Nakamura does not disclose the display of claim 1.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is clearly patentable over Nakamura.

Claims 2-4 and 5

Claims 2-4 and 5 depend from claim 1 and are deemed patentable over Nakamura for at least the reasons set forth above with respect to claim 1.

Claims 6 and 7

Claims 6 and 7 depend from claim 1. Applicant respectfully submits that Seas does not remedy the shortcomings of Nakamura as set forth above with respect to claim 1.

Accordingly, claims 6 and 7 are deemed patentable over the prior art for at least the reasons set forth above with respect to claim 1.

NEW CLAIMS 8-13

Among other things, the devices of claims 8-13 all include features wherein, when an electrical voltage is applied across the anode and the cathode and an acceleration voltage is applied to the acceleration electrode, a plasma comprising ions and electrons is generated by a gas discharge in the gas, said plasma ions impact on the cathode, secondary electrons are created by said impact, and the secondary electrons are used to excite the luminescent substance.

As explained above with respect to claim 1, such features are not disclosed in the cited prior art, and accordingly claims 8-13 are deemed to be patentable over the cited prior art for at least this reason.

CONCLUSION

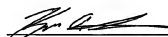
In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-13 and

pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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